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May 1, 2017

Hon. Mae A. D'Agostino
U. S. District Court
Northern District of New York
James T. Foley U.S. Courthouse
445 Broadway
Albany, New York 12207

RE: *McDonough v. Smith, et al*
1:15-cv-1505 (MAD)(DJS)

Dear Judge D'Agostino:

This Status Report is filed pursuant to the Court's Text Order of March 2, 2017 (DJS) granting defendant John Ogden's February 27, 2017, Letter Request to stay discovery pending resolution of plaintiff's appeal from the Order dismissing all claims against defendant Trey Smith.

On **February 16, 2017**, the Circuit Court issued a Notice of Expedited Appeal setting the following dates for filing of Briefs: Appellant by March 23, 2017; Appellee by April 27, 2017.

On **March 23, 2017**, plaintiff filed his appellant's Brief with the Circuit Court.

On **April 20, 2017**, defendant John Ogden filed with the Circuit Court a Motion for Leave to Intervene and Stay the Appeal pending resolution by the District Court of plaintiff-appellant's Rule 54 Motion for Entry of Partial Final Judgment concerning dismissal of all claims against defendant Trey Smith.

On **April 21, 2017**, counsel for plaintiff-appellant informed the Circuit Court that he did not oppose defendant John Ogden's motion to intervene and stay appellant proceedings.

On **April 24, 2017**, the Circuit Court issued an Order granting defendant John Ogden's motion to intervene in the appeal as an appellee, staying the appeal pending the District Court's resolution of plaintiff-appellant's Rule 54(b) motion, directing plaintiff-appellant to inform the Circuit Court in writing of the status of the Rule 54(b) motion beginning 30 days after the date of the Order and continuing in 30-day intervals thereafter, and directing that all appellees' briefs are due 35 days from the entry of an Order granting the Rule 54(b) motion.

Respectfully submitted,
PREMO LAW FIRM PLLC

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